



COUNTY OF LOS ANGELES CHIEF ADMINISTRATIVE OFFICE

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agenda 21

Board approved
3/29/94

SALLY R. REED
CHIEF ADMINISTRATIVE OFFICER

March 22, 1994

Executive Summary

ADOPTION OF A MEDIA POLICY FOR PUBLIC RECORDS (3-VOTES)

Request

Approve a media policy declaring the Board's intent that requests for public information be honored on a timely basis, with full disclosure provided for by law. Direct departments within 45 days to adopt guidelines for release of public records. Designate CAO Public Affairs Office as Board's representative in resolving disputes between the media and departments. Instruct the CAO to meet with department heads and department public information officers to ensure Board's policy is understood.

Fiscal Impact

None

Issues

The news media has complained about their inability at times to obtain information on a timely basis from departments. The Board of Supervisors is committed to openness in County government and expects County departments to give priority to media requests for public information.

Honorable Board of Supervisors
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THEREFORE, IT IS RECOMMENDED THAT YOUR BOARD:

1. Declare that requests for public information be honored on a timely basis, with full disclosure as provided by law by adopting the following policy: "The Board of Supervisors is committed to openness in County government. The Board fully supports the public's right to know and expects priority to be given to requests for public information – recognizing good government requires an informed citizenry. Public records must be released except in limited exceptions detailed by law or in which it can be demonstrated that the public interest in keeping certain information confidential clearly outweighs the public interest served by disclosure of the record. Even in cases where the County has a specific amount of time legally in which to respond to a request for a public record, the Board does not wish unnecessary delays imposed."
2. Direct departments within 45 days to develop guidelines for release of public information, including a determination of documents they legally cannot release and an appeal process for media members who feel they are being denied public records. Departments are further directed to circulate the guidelines to appropriate personnel. Copies of the guidelines are to be filed with the Executive Officer of the Board and the Public Affairs Division of the Chief Administrative Office.
3. Designate the CAO Public Affairs Office, upon request from the media and/or department, to act on behalf of the Board to assist in resolving any dispute over access to public documents.

DOCUMENTS EXEMPT FROM DISCLOSURE
UNDER THE CALIFORNIA PUBLIC RECORDS ACT

The Public Records Act defines a public record very broadly to encompass virtually any type of record in the possession of a governmental agency that relates to the agency's business, regardless of physical form or characteristics. For example, public records may exist in the form of maps, magnetic tapes, photographic films and prints, magnetic or punched cards, discs, and drums. (Government Code Sec. 6252, subsections (d) and (e).)

The following is a listing of categories of documents exempt from disclosure under the Public Records Act as of January 1, 1994:

Certain records related to initiative, referendum and recall petitions, and petitions for reorganization of school districts and community college districts. (G.C. § 6253.5)

Records that would reveal the identity of a person who requested a bilingual ballot or ballot pamphlet. (G.C. § 6253.6)

Preliminary drafts, notes, or memoranda which are not retained in the ordinary course of business, provided the public interest in withholding the records clearly outweighs the public interest in disclosure. (G.C. § 6254(a).)

Records pertaining to pending litigation against the County, or to claims filed against the County under the Tort Claims Act, until the litigation or claim is finally adjudicated or otherwise settled. (G.C. § 6154(b).)

Personnel, medical, or similar files, the disclosure of which would constitute an unwarranted invasion of personal privacy. (G.C. § 6254(c).)

Geological and geophysical data, plant production data, and similar information relating to utility systems development, or market or crop reports, which are obtained in confidence. (G.C. § 6254(e).)

Certain records relating to law enforcement, criminal investigations, corrections and licensing. (G.C. § 6254(f).)

Certain records relating to test questions, scoring keys, and other examination data. (G.C. § 6254(g).)

In addition to the foregoing, information may be withheld from public disclosure under limited situations when, under the facts of the particular case, the public interest in keeping the information confidential clearly outweighs the public interest served by disclosure of the record. This exception, known as the "public interest exemption," requires the holder of the information to evaluate the reason the information is being requested, and to determine whether, on balance, that reason outweighs the governmental interest in keeping the information confidential. Only when the governmental interest clearly outweighs the reason the information is being requested can public disclosure of the information be withheld.

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Report and recommendation: Approve a media policy declaring the Board's intent that requests for public information be honored on a timely basis, with full disclosure provided for by law; instruct the County Departments, within 45 days, to adopt guidelines for release of public records, and designate the Chief Administrative Office's Public Affairs Office as the Board's representative in resolving disputes between the media and the County Departments; also instruct the Chief Administrative Officer to meet with Department Heads and Public Information Officers to ensure the Board's policy is understood. APPROVED Documents on file in Executive Office.

Absent: None

Vote: Unanimously carried